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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,080

Applicant(s)

TOMSEN ET AL.

Examiner

Dominic D. Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6,11-32,35,36 and 41-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,11-32,35,36 and 41-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/3/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 31, 61 have been considered but are moot in view of the new ground of rejection.
2. Regarding claim 18, applicant argues that Feinleib fails to disclose using an indication of a channel being currently displayed to identify a content source to receive an information request.
3. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Voyticky is shown as disclosing the inclusion of channel information in the context information and searching for supplemental content based on context information. Feinleib teaches it is known in the art to link supplemental content with programming based on channel information which identifies a content source, and thus using this teaching from Feinleib, it is obvious to one of ordinary skill in the art to modify the system disclosed by Voyticky to utilize the available channel information to perform the disclosed search for supplemental content, as this would locate pertinent supplemental content, as taught by Feinleib.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 6, 11, 14, 15, 16, 17, 31, 32, 36, 41, 44, 45, 46, 47, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voyticky et al. (6,637,028, of record) [Voyticky] in view of Brodsky (5,809,471).

Regarding claims 1 and 31, Voyticky teaches a method and system for processing user queries for supplemental content related to a television program being displayed by an interactive television system (col. 2 line 58 – col. 3 line 9) without requiring existing contextual information associated with the television program to be specifically programmed to trigger the display of particular supplemental content (information is retrieved based on recorded time and channel information, col. 5, lines 62-67 and col. 6, lines 43-49), the system comprising:

A remote control device (fig. 1, handheld remote 105) for the interactive television system (fig. 1), the remote control device comprising a specifically-designated button for requesting supplemental content related to the television program (the 'event' button, col. 5, lines 49-67); and

A set top box for the interactive television system (col. 23, lines 41-46), the set top box being configured to obtain contextual information pertaining to the

television program being displayed at the time the specifically designated button is pressed (col. 7 line 58 – col. 8 line 5), send an information request comprising the contextual information to a content source (fig. 1, server 107, col. 6, lines 16-21), and retrieve supplemental content from the content source for display by the interactive television system in response to the content source identifying supplemental content related to the television program based upon the contextual information (col. 6, lines 43-61).

Voyticky fails to disclose the contextual information includes at least one keyword from closed captioning text.

In an analogous art, Brodsky teaches a system (col. 3 line 50 – col. 4 line 3) utilizing keywords from closed captioning text (col. 5, lines 36-47) to facilitate the retrieval of user requested supplemental content (col. 5, lines 11-35), for the benefit of assisting in locating particular content of most interest to a user (col. 4, lines 4-18).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Voyticky to include at least one keyword from closed captioning text in the contextual information obtained, as taught by Brodsky, for the benefit of assisting in locating particular supplemental content of most interest to a requesting user.

Regarding claims 2 and 32, Voyticky and Brodsky disclose the method and system of claims 1 and 31, and Voyticky additionally discloses a display

device for displaying the supplemental content retrieved from the content source (the digital television is a combined device which displays both the programming and supplemental content, fig. 22 and col. 23, lines 37-51).

Regarding claims 6 and 36, Voyticky and Brodsky disclose the method and system of claims 3 and 33, and Voyticky additionally discloses a search engine configured to search the content source for supplemental content related to the indication of the television program and display any supplemental content found (col. 6, lines 21-61).

Regarding claims 11 and 41, Voyticky and Brodsky disclose the method and system of claims 1 and 31, further comprising searching the content source for the at least one keyword (Brodsky teaches using closed captioning keywords to locate supplemental content, col. 6, lines 12-42).

Regarding claims 14, 16, 44, and 46, Voyticky and Brodsky disclose the method and system of claims 1 and 31, wherein the information request comprises an identifier (IP address) of the interactive television system (the request is made to the content provider over the Internet, and establishing a session with the server over Internet Protocol requires sending the IP address of the home computer, col. 6, lines 16-21).

Regarding claims 15, and 45, Voyticky discloses the method and system of claims 14 and 34, but fails to disclose the identifier comprises a media access control (MAC) address.

The official notice presented in the prior action stating that it is notoriously well known in the art to utilize a media access control (MAC) address as an identifier was not traversed and is accordingly taken as admission of the fact noted (see MPEP 2144.03).

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Voyticky to include in the identifier a MAC address of the interactive television system, a nearly universally recognized for of network identification for use in routing data to specific network hardware.

Regarding claims 17 and 47, Voyticky and Brodsky disclose the method and system of claims 14 and 44, wherein the content source is configured to send the identified supplemental content to an interactive television system associated with the identifier (col. 6, lines 50-61).

Regarding claim 61, Voyticky discloses a machine-readable medium comprising program code, which, when executed by a machine, performs a method for single button querying for supplemental content related to a television

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program being displayed by an interactive television system (col. 2 line 58 – col. 3 line 9), the method comprising:

Detecting a single button press on a remote control indicating a user command to find supplemental content (col. 5, lines 62-67); and

In response to the content source identifying supplemental content related to the television program being displayed (col. 6, lines 43-49) based, at least in part, upon the time at which the user command is received (col. 21 line 61 – col. 22 line 15), retrieving the supplemental content from the content source for display by the interactive television system (col. 6, lines 50-61).

Voyticky fails to disclose identifying supplemental content based at least in part on closed captioning information associated with the television program.

In an analogous art, Brodsky teaches a system (col. 3 line 50 – col. 4 line 3) utilizing keywords from closed captioning text (col. 5, lines 36-47) to facilitate the retrieval of user requested supplemental content (col. 5, lines 11-35), for the benefit of assisting in locating particular content of most interest to a user (col. 4, lines 4-18).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Voyticky to include identifying supplemental content based at least in part on closed captioning information associated with the television program, as taught by Brodsky, for the benefit of assisting in locating particular supplemental content of most interest to a requesting user.

6. Claims 5, 21-29, 35, and 51-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voyticky and Brodsky as applied to claims 1 and 31 above, and in further view of Yen et al. (5,991,799, of record) [Yen].

Regarding claims 5 and 35, Voyticky and Brodsky disclose the method and system of claims 3 and 33, but fail to disclose the set top box is further configured to read an indication of the television program being displayed from electronic programming guide data associated with the television program.

In an analogous art, Yen teaches an interactive television system (fig. 1) wherein electronic programming guide data is received (col. 7, lines 10-25), said programming guide data providing very comprehensive data regarded received content (subject matter, locality values, content ratings, col. 7, lines 29-67), providing sufficient information for dynamic retrieval of content which supplements a displayed program (col. 8 line 57 – col. 9 line 12).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Voyticky and Brodsky to configure the set top to read an indication of the television program being displayed from electronic programming guide data associated with the television program, as taught by Yen, as EPG data is sufficiently comprehensive to allow for dynamic retrieval of supplemental content, allowing a system to perform a more detailed and relevant search for said content.

Regarding claims 21 and 51, Voyticky and Brodsky disclose the method and system of claims 1 and 31, but fail to disclose the set top box is further configured to receive a list of supplemental content items from the content source in response to a search by the content source, receive a user selection of a supplemental content item from the list, send the user selection to the content source, and retrieve from the content source the selected supplemental content item for display by the interactive television system.

In an analogous art, Yen teaches the display of a menu of located (by background element 121, col. 11, lines 4-24) supplemental content items to a user (foreground element displays a set of information items to a user, col. 11, lines 25-40), wherein the user selects one of the content items, and upon selection, retrieving the requested content for display (col. 13, lines 8-18), allowing the user to select the content that he/she is most interested in.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Voyticky and Brodsky to include presenting a list of supplemental content items to a user, who then selects an item from the list, and then retrieves said content item for display, as taught by Yen, wherein the list would be retrieved from the content source and the request for the supplemental content item would be retrieved by the content source, focusing the transmission of supplemental content items to only those that are of express interest to users.

Regarding claims 22, 23, 52, and 53, Yen further discloses the use of uniform resource locator (URL) links as a means to access content from content sources (content from web pages, which is accessed using URLs, is a source of content for presentation, col. 6, lines 21-26), for the benefit of retrieving diverse, web-based content.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Voyticky, Brodsky, and Yen to include URL links to supplemental content, as taught by Yen, for the benefit of including the diversity of web-based content in the list of available supplemental content.

Regarding claims 24 and 54, Yen additionally teaches filtering information items (col. 9, lines 15-24) based on user preferences (col. 9, lines 36-44), limiting the display of supplemental content items to those most relevant or deemed of most interest to the user.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Voyticky, Brodsky, and Yen to include a filtering component configured to filter the list of items of supplemental content results based on user preferences, as taught by Yen, for the benefit of limiting the display of supplemental content items to those most relevant or deemed of most interest by the filtering component to the user.

Regarding claims 25 and 55, Yen additionally teaches storing the user preferences locally (in information multiplexer 120, col. 9, lines 36-44), as a dedicated device can store detailed preference information about a particular user (explicit and implicit setting of preference information, col. 9 line 66 – col. 10 line 62).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Voyticky, Brodsky, and Yen to include storing the user preferences locally, as taught by Yen, and including them in the information request sent to the content provider, as it is the content provider which performs the search for supplemental content (Palmer, col. 4, lines 10-14), for the benefit of providing detailed user preference information for more effective filtering of supplemental content items.

Regarding claims 26, 27, 28, 29, 56, 57, 58, and 59, Yen additionally teaches storing very detailed aspects of user preferences (col. 9 line 66 – col. 10 line 62), such aspects including content to exclude (content which falls below an alert threshold is ignored, col. 11, lines 57-65), preferred type of content (col. 9, lines 37-48), preferred source of content (websites and subscription content, col. 9 line 66 – col. 10 line 4), and preferences based on historical analysis of previous selections from prior lists of content items (col. 10, lines 10-21), all of which provide a high degree of granularity when defining user preferences.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Voyticky, Brodsky, and Yen to include content to exclude, preferred types of content, preferred sources of content, and preferences based on historical analysis of previous selections from prior lists of content items, as taught by Yen, for the benefit of providing a high degree of granularity in user preferences, which increases the effectiveness of any filtering performed based on said preferences.

7. Claims 12, 13, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voyticky and Brodsky as applied to claims 1 and 31 above, and further in view of Kenner et al. (5,956,716, of record) [Kenner].

Regarding claims 12, 13, 42, and 43, Voyticky and Brodsky disclose the method and system of claims 6, 11, 36, and 41, wherein supplemental content is retrieved from a global information network for display by the interactive television system (the supplemental content is received from the Internet, Voyticky, col. 6, lines 50-61), but fails to disclose a search engine configured, in response to supplemental content related to the television program not being found at the content source, to search a global information network for supplemental content related to the television program based on the contextual information.

In an analogous art, Kenner teaches a content retrieval system (fig. 4, col. 7, lines 23-34) wherein users request content from a content source (user request video clips from local SRU, col. 8, lines 51-65), which then searches for

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the content at the source (local search for video clips is performed first, col. 9, lines 15-20 and 42-45), and if the requested content is not found at the content source, the search is expanded over a global information network (request is forwarded to the PIM 222, col. 9, lines 42-54, which search for the requested information, col. 10, lines 10-12 and col. 8, lines 18-25, over a global network [widely distributed data sources, col. 12, lines 33-35, connected by the Internet, col. 20, lines 50-63]), thus retrieving information from the broadest and most diverse source of information available, the Internet (col. 5, lines 39-55 and col. 20 line 10 – col. 21 line 16).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Voyticky and Brodsky to include a search engine configured, in response to supplemental content related to the television program not being found at the content source, to search a global information network for supplemental content related to the television program based on the contextual information, as taught by Kenner, for the benefit of broadening the capability of the content source to provided supplemental content by drawing upon the expanded storage and diversity of resources provided by the Internet.

8. Claims 18 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voyticky and Brodsky as applied to claims 1 and 31 above, and further in view of Feinleib (6,637,032, of record).

Regarding claims 18 and 48, Voyticky and Brodsky disclose the method and system of claims 1 and 31, wherein the contextual information comprises an indication of a channel being displayed (Voyticky, col. 5, lines 62-67), but fail to disclose the set top box if further configured to use the indication of the channel to identify a content source to receive the information request.

In an analogous art, Feinleib teaches supplying supplemental information from a particular content source which relates to a particular channel (col. 1, lines 43-51), for the benefit of enhancing a particular channel with a dedicated source of supplemental content.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Voyticky and Brodsky to configure the set top box to use the indication of the channel to identify a content source to receive the information request, as taught by Feinleib, for the benefit of enhancing the particular channel being watched with a dedicated source of supplemental content.

9. Claims 19, 20, 49, and 50 rejected under 35 U.S.C. 103(a) as being unpatentable over Voyticky and Brodsky as applied to claims 1 and 31 above, and further in view of Nishikawa et al. (6,348,932, of record) [Nishikawa].

Regarding claims 19, 20, 49, and 50, Voyticky and Brodsky disclose the method and system of claims 1 and 31, but fail to disclose the set to box is configured to simultaneously display the supplemental content with the television

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content, wherein the displayed television program is reduced in size relative to the size of the displayed supplemental content.

In an analogous art, Nishikawa teaches displaying both the video of a currently selected program along with supplemental content (figs. 10 and 12), wherein the video is displayed in a decimated region of the screen, allowing it and supplemental content (EPG data, ticker region data 566, and DIP data) to be displayed simultaneously (col. 8 line 59 – col. 9 line 6 and col. 12, lines 15-35), for the benefit of perusing supplemental content in interactive television without interrupting or ‘missing’ the broadcast program.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Voyticky and Brodsky to include simultaneously displaying the supplemental content with the television content, wherein the displayed television content is reduced in size (decimated) relative to the size to the displayed supplemental content (video region is reduced in size to allow room for the supplemental content display), as taught by Nishikawa, for the benefit of perusing the supplemental content in the interactive television system without interrupting or ‘missing’ the television content.

10. Claims 30 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voyticky and Brodsky as applied to claims 1 and 31 above, and further in view of Kenner and Yen.

Regarding claims 30 and 60, Voyticky and Brodsky disclose the method and system of claims 1 and 31, but fails to disclose the set top box is further configured to receive a list of supplemental content items from the content source in response to a search of a global information network, receive a user selection of a supplemental content item from the list, and retrieve from the global information network the selected supplemental content item for display by the interactive television system.

In an analogous art, Kenner teaches a content retrieval system (fig. 4, col. 7, lines 23-34) wherein users request content (col. 8, lines 14-25) which is searched for over a global information network (request is forwarded to the PIM 22, col. 9, lines 42-54, which searches for the requested information, col. 10, lines 10-12 and col. 8, lines 18-25, over a global network [widely distributed data sources, col. 12, lines 33-35, connected by the internet, col. 20, lines 50-63]), thus retrieving information from the broadest and most diverse source of information available, the internet, (col. 5, lines 39-55 and col. 20 line 10 – col. 21 line 16).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Voyticky and Brodsky to include searching for content over a global network, as taught by Kenner, for the benefit of retrieving the supplemental information from the widest and most diverse source of information available, the internet.

In an analogous art, Yen teaches the display of a menu of located (by background element 121, col. 11, lines 4-24) supplemental content items to a user (foreground element displays a set of information items to a user, col. 11, lines 25-40), wherein the user selects one of the content items, and upon selection, retrieving (from the internet, when the request is for internet data, col. 5, lines 28-37) the requested content for display (col. 13, lines 8-18), allowing the user to select the content that he/she is most interested in.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Voyticky, Brodsky, and Kenner to include presenting a list of supplemental content items to a user, who then selects an item from the list, and then retrieves said content item for display, as taught by Yen, wherein the list would be retrieved from the content source, focusing the selection of supplemental content items to only those that are of most interest to users.

Conclusion

11. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-73027302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-72947294.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS

A handwritten signature in black ink, appearing to read 'HAITRAN', with a long horizontal line extending from the end of the signature.

**HAITRAN
PRIMARY EXAMINER**